

07 CIV. 7597
ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUAMER KLLAPIJA, CRISTIAN SALAZAR
and MICHAEL ESTRADA,

Plaintiffs,

07 Civ. (

-against-

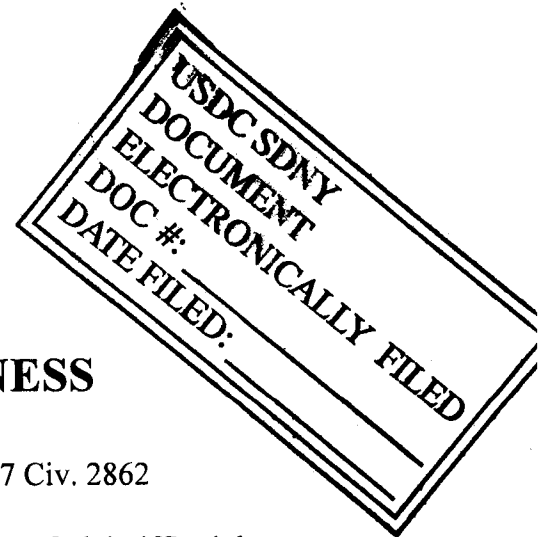
PHILIP AMICONE, individually,
EDMUND HARTNETT, individually,
JOHN A. LISZEWSKI, individually
CITY OF YONKERS, New York,
PAUL WOOD, individually, POLICE
OFFICERS JOHN DOE'S #1 to #20,
individually, and SANITATION WORKERS
#1 to #20,

Defendants.
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STATEMENT OF RELATEDNESS

On April 10, 2007, The Guardian News, Inc. v. Martino, 07 Civ. 2862 (CLB)(hereinafter "Guardian I") was filed; it challenges as violative of Plaintiff's rights as guaranteed by the First Amendment to the United States Constitution, the Village of Tuckahoe's local legislation governing newsracks. That action seeks damages, declaratory and injunctive relief. Thereafter Plaintiff filed the following cases that were accepted by the Court as related: The Guardian News, Inc. v. Town of North Salem, 07

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Civ. 3803 (CLB); The Guardian News, Inc. v. Village of Larchmont, 07 Civ. 3804 (CLB) The Guardian News, Inc. v. Village of Croton-on-Hudson, 07 Civ. 3805 (CLB); The Guardian News, Inc. v. Village of Briarcliff Manor, 07 Civ. 3806 (CLB); The Guardian News, Inc. v. Village of Dobbs Ferry, 07 Civ. 3809 (CLB); The Guardian News, Inc. v. Village of Bronxville, 07 Civ. 3810 (CLB); The Guardian News v. Town of North Castle, 07 Civ. 3811 (CLB); The Guardian News, Inc. v. Town of New Castle, 07 Civ. 3812 (CLB); The Guardian News, Inc. v. Village of Pelham, 07 Civ. 3813 (CLB); The Guardian News, Inc. v. Town of Greenburgh, 07 Civ. 4062 (CLB); The Guardian News, Inc. v. Village/Town of Mount Kisco, 07 Civ. 4141 (CLB); The Guardian News, Inc. v. Village of Tuckahoe, 07 Civ. 2862 (CLB); and The Guardian News, Inc. v. Amicone, 07 Civ. 07078 (CLB). Guevara v. Amicone 07 Civ 6941 and Smith v. Amicone, 07 Civ. 6946 were filed on or about August 1, 2007, as related cases and both involve the City of Yonkers' police charging employees of The Westchester Guardian, Inc. with criminal wrongdoing because they non-disruptively disseminated and/or attempted to disseminate copies of the Guardian.

In the instant filing the Plaintiff is another employee of The Guardian News, Inc. who was criminally charged by the City of Yonkers for non-disruptively distributing copies of The Westchester Guardian newspaper on city-owned property. In that connection each was threatened with arrest/incarceration, and physical injury if he again distributes that periodical in Yonkers. In addition the copies of The Westchester Guardian that he had in his possession at the time were confiscated by members of the Yonkers Police Department.

All of the First Amendment retaliation engaged in by the City of Yonkers occurred after The Westchester Guardian, Inc. filed a First Amendment civil rights action against Yonkers on newsrack related issues [The Guardian News, Inc. v. City of Yonkers, 07 Civ. 3802 (CLB) - - an action that was voluntarily dismissed without prejudice on the apparently false representation of the City's Corporation Counsel that the City allows and/or will allow newsracks to be placed on government property for the distribution of The Westchester Guardian.

Under the circumstances, should the Court find this case to be related to the earlier Guardian filings for purposes of judicial economy it is submitted that this filing should be accepted as a related case.

Dated: White Plains, N.Y.
August 23, 2007

LOVETT & GOULD, LLP

By: 

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